

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

MARIE BAPTISTE,
MITCHELL MATORIN, and
JONATHAN DAPONTE,
Plaintiffs,

v.

MIKE KENNEALY, in his
official capacity as
Secretary of the Executive
Office of Housing and
Economic Development, and
CHARLES BAKER, in his
official capacity as Governor
of the Commonwealth of
Massachusetts,
Defendants.

C.A. No. 1:20-cv-11335-MLW

ORDER

WOLF, D.J.

October 5, 2020

The court has reviewed the parties' Joint Report in Response to the Court's September 25, 2020 Order. See Dkt. No. 131. For the reasons stated in that report and in the September 25, 2020 Memorandum and Order, see Baptiste v. Kennealy, 2020 WL 5751572, *39 (D. Mass. Sept. 25, 2020) (citing Farmer v. Brennan, 511 U.S. 825, 847 (1994)), it is hereby ORDERED that:

1. As agreed by the parties, defendants' obligation to answer the Amended Complaint is STAYED until further order of the court.

2. Plaintiffs shall, by October 9, 2020, report whether in view of the amendments to 400 Mass. Code Regs. [C.M.R.] §5.03(2),

the publication of the amended regulation on the Massachusetts government website, and the forthcoming notice of the amendment in the Massachusetts Register, they agree that a preliminary injunction is unnecessary and, if not, file a memorandum in support of their position.

3. The parties shall, by October 20, 2020, confer and report, jointly if possible, concerning how they propose this case proceed.

4. A scheduling conference by videoconference will, if necessary, be scheduled after the court receives the October 20, 2020 report.


UNITED STATES DISTRICT JUDGE